

MERCHANT & GOULD P.C.

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD APPARATUS OF DISC BURNISHING WITH A GLIDE/BURNISH HEAD

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on March 18, 1999 as application serial no. 09/272,183 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
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U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/078,550	19 March 1998

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

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Minneapolis, Minnesota 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		YAO	WEI	HSIN
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		FREMONT	CALIFORNIA	TAIWAN
1	Post Office Address	Post Office Address	City	State & Zip Code/Country
		33909 SHYLOCK DRIVE	FREMONT	CALIFORNIA 94555/USA
Signature of Inventor 201:			Date:	
			4/7/01	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		SUNDARAM	RAMESH	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		FREMONT	CALIFORNIA	UNITED STATES
2	Post Office Address	Post Office Address	City	State & Zip Code/Country
		47681 ZUNIC DRIVE	FREMONT	CALIFORNIA 94539/USA
Signature of Inventor 202:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		WANG	LI-PING	
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		43670 Vista Del Mar	FREMONT	CALIFORNIA 94539/USA
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		KU	CHIAO-PING	
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Signature of Inventor 204:			Date:	

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Signature of Inventor 202: <i>Ramesh Sundaram</i>				Date: <i>3/22/01</i>
2	Full Name Of Inventor	Family Name WANG	First Given Name LI-PING	Second Given Name
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Signature of Inventor 203: <i>Li-Ping Wang</i>				Date: <i>3/21/2001</i>
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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

S/N 09/272,183

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	YAO ET AL.	Examiner:	A. MARKOFF
Serial No.:	09/272,183	Group Art Unit:	1746
Filed:	MARCH 18, 1999	Docket No.:	30874.64USU1 (SEA2655)
Title:	METHOD APPARATUS OF DISC BURNISHING WITH A GLIDE/BURNISH HEAD		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on May 8, 2001.

By:

Name:

Debra A. Bailey
Debra A. Bailey

Petition to Accept New Declaration
Under 37 C.F.R. § 1.64(a) and 37 C.F.R. § 1.47(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Two attempts have been made to obtain signature from Chiao-Ping Ku on the new Declaration in the above-referenced application. The new Declaration deletes the reference claiming priority to Provisional Application No. 60/078,625, which was included in the original application in error.

Enclosed please find a copy of a certified letter and the receipt signed for by Chiao-Ping Ku on March 2, 2001. A second attempt to obtain signature was made via Express Mail on March 22, 2001. Enclosed is a copy of the letter sent to Chiao-Ping Ku along with a copy of the Express Mail receipt.

Applicants respectfully request acceptance of this new Declaration as signed by all other inventors on behalf of themselves and the nonsigning inventor. The petition fee of \$130.00 as set forth in C.F.R. § 1.17(h) is submitted herewith.

The Examiner is encouraged to contact the Applicants' undersigned representative if a telephone interview would expedite acceptance of the newly signed Declaration.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: May 8, 2001

Natalie D. Kadievitch
Natalie D. Kadievitch
Reg. No. 34,196
NDK:PSTdb

095959 07001
T03040 4656360



MERCHANT & GOULD P.C.
 United States Patent Application
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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

MERCHANT & GOULD P.C.

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD APPARATUS OF DISC BURNISHING WITH A GLIDE/BURNISH HEAD

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on March 18, 1999 as application serial no. 09/272,183 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)


I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/078,550	19 March 1998

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Figure 1 consists of 12 sub-graphs labeled (a) through (l). Each graph plots a physiological parameter against time (0 to 10 minutes). The y-axis for all graphs ranges from 0 to 100. The x-axis for all graphs ranges from 0 to 10 minutes. The graphs show that HR, SV, CO, MAP, PVR, SVR, PPA, and PVP all increase during the intervention period, while PVP/PPA remains relatively stable.

- (a) HR (b/min): Baseline is approximately 70, increases to approximately 85 during the 10-minute period.
- (b) SV (L/min): Baseline is approximately 40, increases to approximately 55 during the 10-minute period.
- (c) CO (L/min): Baseline is approximately 5, increases to approximately 7 during the 10-minute period.
- (d) MAP (mmHg): Baseline is approximately 80, increases to approximately 90 during the 10-minute period.
- (e) PVR (mmHg): Baseline is approximately 10, increases to approximately 20 during the 10-minute period.
- (f) SVR (mmHg): Baseline is approximately 10, increases to approximately 20 during the 10-minute period.
- (g) PPA (mmHg): Baseline is approximately 10, increases to approximately 20 during the 10-minute period.
- (h) PVP (mmHg): Baseline is approximately 10, increases to approximately 20 during the 10-minute period.
- (i) PVP/PPA: Baseline is approximately 1.0, remains relatively stable around 1.0 during the 10-minute period.
- (j) PVP/PPA: Baseline is approximately 1.0, remains relatively stable around 1.0 during the 10-minute period.
- (k) PVP/PPA: Baseline is approximately 1.0, remains relatively stable around 1.0 during the 10-minute period.
- (l) PVP/PPA: Baseline is approximately 1.0, remains relatively stable around 1.0 during the 10-minute period.

2	Full Name Of Inventor	Family Name YAO	First Given Name WEI	Second Given Name HSIN
0	Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA	Country of Citizenship TAIWAN
1	Post Office Address	Post Office Address 33909 SHYLOCK DRIVE	City FREMONT	State & Zip Code/Country CALIFORNIA 94555/USA
Signature of Inventor 201: 				Date: 4/7/01
2	Full Name Of Inventor	Family Name SUNDARAM	First Given Name RAMESH	Second Given Name
0	Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA	Country of Citizenship UNITED STATES
2	Post Office Address	Post Office Address 47681 ZUNIC DRIVE	City FREMONT	State & Zip Code/Country CALIFORNIA 94539/USA
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name WANG	First Given Name LI-PING	Second Given Name
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2	Full Name Of Inventor	Family Name KU	First Given Name CHIAO-PING	Second Given Name
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4	Post Office Address	Post Office Address 59 VALAIS COURT	City FREMONT	State & Zip Code/Country CALIFORNIA 94539/USA
Signature of Inventor 204:				Date:

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name SUNDARAM	First Given Name RAMESH	Second Given Name
0	Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA	Country of Citizenship UNITED STATES
2	Post Office Address	Post Office Address 47681 ZUNIC DRIVE	City FREMONT	State & Zip Code/Country CALIFORNIA 94539/USA
Signature of Inventor 202: <i>Ramesh Sundaram</i>				Date: 3/22/01
2	Full Name Of Inventor	Family Name WANG	First Given Name LI-PING	Second Given Name
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Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name KU	First Given Name CHIAO-PING	Second Given Name
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Signature of Inventor 204:				Date:

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Signature of Inventor 201:				Date:
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Signature of Inventor 203: <i>Li-Ping Wang</i>				Date: <i>3/21/2001</i>
2	Full Name Of Inventor	Family Name KU	First Given Name CHIAO-PING	Second Given Name
0	Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA	Country of Citizenship TAIWAN
4	Post Office Address	Post Office Address 59 VALAIS COURT	City FREMONT	State & Zip Code/Country CALIFORNIA 94539/USA
Signature of Inventor 204:				Date:

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.